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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,413	03/02/2004	Mark E. Davis	34713	2553
23589	7590	09/28/2005	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			EDWARDS, LAURA ESTELLE	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/791,413

Applicant(s)

DAVIS ET AL.

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>111204</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18 and 22-28, drawn to an apparatus and method, classified in class 118, subclass 207.
- II. Claims 19-21, drawn to a brush assembly, classified in class 15, subclass 50.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are deemed independent and distinct inventions as the invention of Group II is directed to a brush assembly that is not required in combination with a bowling lane maintenance assembly. The brush assembly can be used for a different purpose such as a tire cleaner for removing mud and debris from a tire exterior or even a cleaning brush for a cylinder in a toner based copier.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Timmons on 8/22/05 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-18 and 22-28.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 112***

Claims 11-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, lines 2-3, "said strip brushes" lack antecedent basis.

In claim 11, lines 2-3, "the other strip brush" lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-18 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US 4,980,815) in view of Howell et al (US 2,660,791).

Davis teaches a machine and method of using the machine for the application of dressing to a bowling lane, the machine including a driven applicator roll (22) operable to apply dressing to the surface of a lane as the machine travels along the lane; and a transfer assembly (20) in communication with dispensing heads or nozzles (80a-80d) for receipt and transfer of the dressing to the applicator roll for application to the bowling lane. While Davis recognizes the transfer assembly including rollers to transfer dressing to the applicator roll, Davis is silent concerning the transfer assembly being a non-rotary brush assembly for transferring dressing to the applicator roll. However, it was known in the art at the time the invention was made, to provide a transfer assembly comprising a non-rotary brush in fluid communication with a coating liquid supply in order to transfer coating liquid to an applicator roll as evidenced by Howell et al (col. 5, lines 35-47). It would have been obvious to one of ordinary skill in the art to modify the Davis machine and provide a transfer assembly including a non-rotary brush in fluid communication with a coating liquid supply as an alternative means for transferring coating liquid to the applicator roll. One of ordinary skill in the art would expect that in using a fixed non-rotary brush transfer assembly in place of the rotatable roller transfer assembly would minimize the need of movable parts and thereby lower manufacturing costs.

With respect to the angle of the bristles of the non-rotary brush, Howell et al illustrate in Fig. 7, the brush disposed at an angle from the area (89) down to the surface of the applicator

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roller such that one of ordinary skill in the art would expect to dispose the non-rotary brush assembly at an appropriate angle relative to the surface of the application roll so as to apply a desired amount of dressing thereto.

With respect to the material used to make the bristles of the brush assembly, Howell et al do not disclose the exact material. However, Davis already establishes the use of synthetic resinous material to make the bristles of the applicator roller such that one of ordinary skill in the art would expect to make the bristles of the brush assembly out of the same material as such material would be durable and making the bristles out of the same material as the applicator roller would be cost effective.

With respect to the dispensing heads being movable, Davis recognizes that the dispensing heads move relative to the transfer assembly (see Davis, col. 7, lines 49-58).

With respect to the brush assembly being capable of shifting toward and away from the applicator roll, Howell et al recognize that the brush can be set relative to the applicator roll via an arm. It would have been obvious to one of ordinary skill in the art to mount the brush assembly on an arm in the apparatus as defined by the combination above in order to enable the brush assembly to be positioned or shifted relative to the applicator roll.

With respect to the use of a plurality of brush assemblies disposed about the surface of the applicator roll, it would have been within the purview of one skilled in the art to provide as many brush assemblies as necessary about the surface of the applicator roll in order to provide a sufficient yet uniform application of dressing to the applicator roll and thereby to the bowling lane surface.

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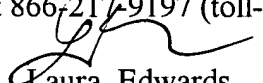
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect to angled brush assemblies which are positioned relative to a roller or cylindrical surface: Specht (US 5,566,420), Moss et al (US 3,302,234), and Stoker (US 2,324,652). The following patent discloses the state of the art with respect to a bowling lane maintenance machine having a fixed transfer assembly including a rigid felt pad disposed on the surface of an applicator roll : Kubo (US 4,766,016).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura Edwards  
Primary Examiner  
Art Unit 1734

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September 23, 2005